

**KENTUCKY BOARD OF EDUCATION
REGULAR MEETING
DECEMBER 7-8, 2005**

**STATE BOARD ROOM
1ST FLOOR, CAPITAL PLAZA TOWER
FRANKFORT, KENTUCKY**

SUMMARY MINUTES

The Kentucky Board of Education held its regular meeting on December 7-8, 2005, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. The Board conducted the following business:

Wednesday, December 7, 2005

CALL TO ORDER

Chair Keith Travis called the full Board meeting to order at 8:15 a.m.

PLEDGE OF ALLEGIANCE

Chair Travis asked Malcom Wall to lead the Board and audience in the Pledge of Allegiance in honor of those who died and served in the military on December 7 at Pearl Harbor.

ROLL CALL

Present for the meeting were Janice Allen, Dorie Combs, Bonnie Lash Freeman, Tom Layzell, Hilma Prather, David Rhodes, David Tachau, Keith Travis, Janna Vice and David Webb. Jeff Mando joined the meeting at 8:25 a.m. Absent was Helen Mountjoy.

APPROVAL OF SUMMARY MINUTES

At this point, Dorie Combs moved approval of the October 5-6, 2005, regular meeting minutes. Janice Allen seconded the motion and the motion carried.

***REPORT OF THE EXECUTIVE DIRECTOR OF THE EDUCATION
PROFESSIONAL STANDARDS BOARD***

Dr. Phil Rogers began by offering congratulations to the Kentucky Department of Education on receiving the KIDS Grant. He explained that the Education Professional Standards Board is in the last year of a teacher quality enhancement grant that it has implemented over the past four years building the capacity to accommodate the data that will be made accessible through the KIDS Grant. He indicated that this will be a wonderful tool to inform teacher preparation programs and said the new grant will allow education to plug in a missing piece relative to data. Rogers stated that he and the

Education Professional Standards Board are excited about being a part of this new program.

Rogers then shared that the Education Professional Standards Board has convened a work group to review the masters program. He reminded the Board that in Kentucky teachers must have their masters within ten years, but stated that the program is currently a mile-wide/inch-deep approach. Rogers said that it is his hope that a coherent model will result from the work of this group on which bachelor programs can be built in order to produce experts in the various areas, such as curriculum design. He noted that he would keep the Board updated on this work and stated the group's recommendations are scheduled to come forward by spring.

REPORT FROM THE PRE-K TO 16 COUNCIL

Chair Dorie Combs indicated that the Council had not met since the Board's last meeting and said she would have a report at the February meeting.

REPORT OF THE COMMISSIONER OF EDUCATION

Commissioner Gene Wilhoit reported the following:

- Relative to the KIDS Grant mentioned by Phil Rogers, the Kentucky Department of Education did receive the grant as a state agency but fully partnered with the Education Professional Standards Board and the Council on Postsecondary Education in preparing and submitting the grant. The dollars from the grant will allow the databases from the three agencies to be brought together to produce a teacher database, student records, performance database and school data. It will also allow the Department to move forward with the development of technology-based assistance tools for teachers.
- The Individual Graduation Plan is off and running and is being piloted in Kenton County. Early signs show that it is going well and the Department is on schedule for rolling this out statewide this year.
- The evaluation process for the new assessment contract is moving forward. Thanks were given to David Rhodes, Hilma Prather and Keith Travis for their work on the various committees related to the process. The good news is that more vendors submitted proposals than in the past with their being thirteen different ones.
- The spreadsheet on the budget does not show anything different in the approach that was previously discussed but does have some numbers filled in. The spreadsheet represents what was sent to the Governor's Office of Policy and Management.
- Relative to the student summits, an aggressive schedule was implemented with a total of five different summits. Students were excited about the opportunity to

express their opinions and the response was phenomenal. Very diverse representation attended across the state and students were forthright. A summary of the meetings and responses were provided at each member's seat. At this point a video clip from the summits was shown to the Board to give them a flavor of the meetings.

- KET and the Kentucky Department of Education continue to make good partners and have produced a Visual Arts Toolkit. One of these kits is available for each Board member to take home. The kit provides tools to help all levels of teachers. The kit relates back to a conversation between Secretary Ginni Fox and the Commissioner relative to the fact that most students never get to visit places like the Speed Museum; thus, the collection from this museum and others have been placed on a CD-rom for teachers statewide to use. KET responded enthusiastically to the task of producing this toolkit. Teresa Day from KET then gave a short demonstration from the kit itself.

At this point, David Tachau asked to go back to the topic of the student summits and said he had read an article about state boards starting to include students on them. He indicated that he didn't know if it was an idea the Board ought to consider but said it had never been discussed.

Commissioner Wilhoit said he had not given this idea much thought but thought it might be worthy of discussion. He shared that the Council on Postsecondary Education has a university student on its board.

Tom Layzell shared that having the university student on the Council's board has been a positive experience and encouraged the Kentucky Board of Education to look into having a student member. He stated having a student member brings a youthful perspective to the adults on the Board.

Bonnie Lash Freeman then said that those members who attended the NASBE annual conference heard a presentation on having student board members as part of the state board and thought the information from NASBE could be a good place to start. She indicated that the Board needs to seek ways to get student input.

REPORT OF THE SECRETARY OF THE EDUCATION CABINET

Secretary Ginni Fox reported that a meeting in Danville occurred as a follow-up to the Governor's initial work group meeting. She reported that 100 people attended, including representatives of postsecondary education, teachers, administrators and educational organizations. She said that she would get a full report of the meeting to Board members.

Secretary Fox went on to say that she was excited about the policy matters that the Board is considering at this meeting with issues such licensing, professional development, and work in the classroom coming together. She emphasized that it was her hope that the Board would look at the Visual Arts Toolkit model as a way that languages might be addressed in school districts. Fox also suggested that the various agencies work together

as partners to figure out a way to make the teaching of languages accessible to all school districts with perhaps a task force being formed.

Dorie Combs then echoed Secretary Fox's comments. She said teachers today don't want to do a separate undergraduate major to be able to teach language and thus, some practical alternatives need to be made available.

Janice Allen then commented that teachers who have minors in languages rarely use them. She stated that she did not want to give up on the world language issue and desired to make this available to all students.

REPORT OF THE PRESIDENT OF THE COUNCIL ON POSTSECONDARY EDUCATION

Dr. Tom Layzell reported that he and the Council on Postsecondary Education are in support of the Kentucky Board of Education's raising of the high school graduation requirements. He stated that we should not give up on the world language issue due to a teacher supply problem. Layzell felt that the Education Professional Standards Board, the Council on Postsecondary Education and the Kentucky Department of Education could work together to figure out how to accomplish making available world languages across the state.

Dr. Layzell went on to say that his written report could be found in the meeting folder. He did point out that the Education Professional Standards Board, the Kentucky Department of Education and the Council on Postsecondary Education worked on a joint budget proposal that went well. Layzell then asked Commissioner Wilhoit if he would show the clips from the student summits to the Council on Postsecondary Education.

GOOD NEWS FROM SCHOOLS/DISTRICTS

The following items of good news were reported by the noted Board members:

- Dorie Combs – Stephanie Winkler, a fourth grade teacher at Madison County's White Hall Elementary and president of the Kentucky Education Association central district, is one of five recipients of the Horace Mann National Education Association Foundation Awards for Teacher Excellence for 2005. She is also a finalist for the National Education Association Foundation Award for teaching excellence, which will be announced on December 9 in Washington, D.C. The National Education Association's announcement of the award, which reflects the comments of the judges who interviewed Winkler this summer, read in part, "Stephanie Winkler makes science a fun, interactive learning experience in her classroom. Using a hands-on approach, she incorporates many interrelated subjects into her lessons and uses engaging activities to reinforce scientific concepts." Join me in congratulating Stephanie Winkler for this outstanding achievement!

- Janna Vice – Melissa Russell, the Spalding University student who earned national recognition for the Kentucky Education Association's student program during her recently completed term as president and under whose leadership it became one of the fastest-growing student programs, was named Outstanding State Student Leader at the 2005 National Education Association Student Leadership Conference. Additionally, the National Education Association presented Melissa with the Jack Kinnaman Scholarship. She is student teaching this fall at Eastside Middle School in Bullitt County under national board-certified teacher Missy Woods. Accolades go to Melissa Russell for achieving these outstanding accomplishments very early in her teaching career!
- Janice Allen – Phelps Elementary School in the Pike County School District was awarded \$10,000 for its exceptional science program. Phelps was one of 20 schools selected out of more than 3,000 nationwide to receive the 2005 Intel and Scholastic Schools of Distinction Award. The Distinction Award winners also received a number of other prizes ranging from curriculum materials and professional development resources to software and hardware materials. The school program was designed to change attitudes about science and to provide connections between science and other content areas such as reading. Congratulations to Phelps Elementary for its achievement of excellence in its science program!
- Bonnie Lash Freeman – Atherton High School teacher Diane MacKenzie was recently awarded the prestigious Milkin Family Foundation National Educator Award along with \$25,000 in cash. She has been a Spanish teacher for 16 years and students say she draws them into lessons with an engaging teaching style and rich cultural context that make learning a language interesting and relevant. Congratulations to Diane MacKenzie!
- David Tachau – Jeffrey Wright was recently honored as the 2006 Kentucky Teacher of the Year. He teaches biology and physics at Louisville Male Traditional High School. Wright also received a \$10,000 cash award and has the option of taking paid time off from teaching to receive additional training or work as a consultant for the Kentucky Department of Education. Also honored as part of the Kentucky Teacher of the Year program were Kelli Lynnette Stite, a primary teacher at W.R. McNeil Elementary in Bowling Green, who was named the 2006 Elementary School Teacher of the Year and Pam Jackson, a language arts teacher at Elkhorn Middle School in Frankfort, who was named the 2006 Middle School Teacher of the Year. Congratulations to all these talented teachers for the excellence they display in the classroom!
- David Rhodes – Lawrence County recently received an international award for innovative programming in two areas: drug and truancy prevention and alternative school programming. Lawrence County Superintendent Jeff May and Human Resources Director Thaniel Thacker were honored with the award at the International Conference on Truancy and Dropout Prevention. The district's alternative education program focuses on three groups of students: those who

have had behavioral problems in and outside of school and are unable to attend regular classes; those who are unable to attend school because of physical disabilities; and those who have fallen behind in class grades and are in danger of not graduating. The district partners with community agencies, such as the Lawrence County Health Department and Project Unite, to address health and counseling needs. Congratulations to the Lawrence County School District on this international award!

BOARD MEMBER CONCERNS

Janice Allen expressed that it is important for local people to see folks in the middle of educational issues. She thought it was great for the Governor and Secretary Fox to come to eastern Kentucky and wonderful for the student summits to occur there. Allen said she also visited a Blue Ribbon School with the Commissioner. She indicated that she mentioned these things to illustrate lots of positive things are going on about education, including the fact that the Eastern Kentucky Literacy Council is being launched today. Allen went on to point out that the Kentucky SAELP II initiative has been taken to a whole new level in designing programs for principals. She requested that an update on SAELP II be provided at the next meeting.

Keith Travis then commented that the Board should be proud of staff and the time they spent over the weekend on the assessment contract. He assured Board members that staff is being good stewards and advocates for the children of Kentucky. Travis then thanked Kyna Koch, David Webb and Mary Ann Miller for serving on the Task Force on School Calendars and Tourism. He then thanked everyone for their support during the passing of his father.

KDE EMPLOYMENT REPORT

David Tachau expressed that the report showed 7.4% minority employment in leadership positions due to a loss of a key minority employee. He stated that he realizes the challenges in keeping minorities in this area, but said the Department and the Board has a responsibility to meet the commitment they have made. Tachau was very concerned that a commitment of 10% is not being met in the leadership area and emphasized that it is troublesome because leadership is lower than the other areas.

Commissioner Wilhoit commented that this is a code red situation and stated is very troubling. He shared that he has had direct conversations about this with staff and assured the Board that the Department is trying to use its recruiting efforts to turn the situation around.

ANNUAL REPORT FROM KET ON JOINT KET/KDE WORK

Malcom Wall, Executive Director of KET, presented the following information:

- Professional development is a major commitment for KET. A joint KET/KDE reading first initiative began last March using a \$1 million grant from the Annenberg Foundation to devote attention to writing in grades 3 through 5. Work on the professional development piece is currently ongoing.
- A sample box was brought along today illustrating how KET's digital signal is being beamed to places where the terrain blocks the signal. This fills the void for 100 schools that cannot currently access the signal.
- The primary level Spanish series is now complete. This was a joint effort with Jefferson County and is now available for the entire state.
- Distance learning is still part of KET.
- A new service is now available for schools that was announced in August. Thanks go to the Governor, Secretary Fox and Commissioner Wilhoit for joining KET in this press conference to announce the implementation of Encyclomedia. KET has worked with the Department of Education for two years to bring this about. It provides on-line, on-demand video clips that are aligned with Kentucky's core content. Encyclomedia is a phenomenal resource in the hands of teachers.
- For 2006, the Kentucky Department of Education has requested that collectively KET and the Department center their attention around writing. More specifically the Department would like for KET to revise a 1998 program on marking student papers, produce a program on conferencing as it relates to working with students on writing and produce a program on the Administration Guidelines that will be shown at faculty meetings.

Commissioner Wilhoit noted that the state is at a crisis point with the capacity of the technology system to handle new tools and to increase usage. He stated that this is getting in the way of dreams of students and schools.

David Tachau asked how many schools cannot use Encyclomedia due to technical problems.

Malcom Wall responded that he thought about 300 schools are not using Encyclomedia yet because they are installing equipment or have technical problems. Kathy Quinn went on to say that David Couch is setting up a state host for places where there are bandwidth issues to enable one person, such as the librarian, to download what the teachers need from Encyclomedia. She also shared that 32 districts have found the tool to be so valuable they have set up local servers to handle the program.

Commissioner Wilhoit added that it would be much more powerful if teachers could access Encyclomedia directly.

Kathy Quinn went on to say that Starr Lewis and her staff are developing lesson plans connected to Encyclomedia and will be posting them on the Department's website. She clarified that this project is just in the beginning stages.

Tom Layzell emphasized that the technology issue cuts across K-12 and postsecondary education. He stated that Kentucky is not going to reach its goals without improving technology. Layzell said that the joint budget request from the three agencies will provide a forum where the issue can be discussed with the General Assembly. He commented that it is a huge issue for the Commonwealth; yet, he explained it is somewhat invisible.

Keith Travis agreed that the agencies need to raise the general awareness of the problem.

Dr. Layzell continued that the three agencies need to take this on jointly in the General Assembly session.

704 KAR 3:305, MINIMUM REQUIREMENTS FOR HIGH SCHOOL GRADUATION

Deputy Commissioner Linda France began by saying that staff has made some additional changes to the regulation and indicated new copies were being handed out. She then proceeded to say that the original implementation date of 2010 had been moved to 2012. Next, she indicated that staff continues to recommend not having an opt-out clause. Additionally, France noted that instead of retaining the language requirement, staff has proposed to set goals in this area to get the state where it needs to be.

France went on to say that before she turned the presentation over to staff, she wanted to address a question that was posed to staff at the last Board meeting on whether there is research to support Algebra II for all students and for having students take math every year. She pointed to a study that was referenced in the staff note and conducted at Auburn University in 2004. France reported that the researcher stated that it is a widespread fact that students across the country are not as prepared for college work as they need to be. She commented that the researcher examined whether there is a link to where students are and the gaps in their preparation. The study found, France said, that a link exists between the high school math courses completed and the degree of postsecondary academic success. She went on to say that a 1999 study by the United States Department of Education was referenced that found if students take a math course beyond Algebra II in high school, they more than double their likelihood of completing a Bachelor's degree. France continued by saying the study showed that as the highest level of secondary mathematics courses rose, the likelihood of degree attainment followed, culminating with more than 80% of students who take calculus receiving a degree. She went on to say that other analyses concluded that students who took calculus were 28 times more likely to be a high achiever in postsecondary work and that the level of mathematics taken was a high indicator of college achievement level.

Another study cited by Deputy Commissioner France was one from the National Council of Education Statistics that found a link between scores on a math assessment tests and the length of time since a student's last math course to be highly significant. She went on to explain that the scores were highest for students who last earned a math credit in grade 12, followed by those who last earned a credit in grade 11. France noted that the lowest scores were made by those not taking mathematics since grade 10. Thus, she stated, staff is staying with its recommendation for mathematics every year. She then asked Starr Lewis to take the Board through the current proposal on minimum high school graduation requirements.

Associate Commissioner Starr Lewis stated that two areas popped up as issues within the regulation, Algebra II and world languages. Lewis noted that on page 3 of the regulation, line 13, staff tried to clarify that Algebra II is the expectation for all students and that the goal is to have all students involved in math every year, thus participating in rigorous courses. She pointed out that regulation language also exists to provide an integrated, applied, interdisciplinary or technical occupational course to substitute for Algebra II.

David Tachau then commented that he is comfortable with the proposal on mathematics as presented, but he said the research in the staff note did not answer the Board's questions. He asked in the future that the data apply specifically to the issues raised by the Board so as to reassure that the approach is sound.

Deputy Commissioner Linda France indicated that she thought the research did answer the question and Michael Miller indicated that in Appendix B the data shows the impact on the amount of mathematics taken on ACT scores.

At this point, David Webb said he agreed with Mr. Tachau's comments and that he was concerned something would be called Algebra II and is actually not the content that should be presented in the course. Webb noted that he thought end-of-course exams could help to address this concern.

Janna Vice then emphasized that ensuring comparability in courses across the state is essential and thought the question is how we can add more comparability.

Associate Commissioner Lewis responded that if we wait until every element is in place, we will never get to the goal. She explained that the Program of Studies, high school graduation requirements, and end-of-course assessments all work together to address the concerns that have been expressed.

Hilma Prather then stated that because mathematics is one of the biggest departures from current requirements, there needs to be a statewide professional development effort. Additionally, she thought as part of this effort the message needs to get out that the content and rigor for mathematics courses needs to be consistent.

Michael Miller noted that the timing for changing the mathematics requirements is good because the Council on Postsecondary Education will be naming a mathematics center in the next few weeks that can provide focused professional development.

Dorie Combs then echoed the comment about the need for professional development. She thought that the new proposal will raise standards and expectations. However, she noted that a question has been raised that if the requirements include Algebra II, it would push Algebra II to the senior year even though the concepts are needed for CATS in grade 11.

Michael Miller responded that from the discussions staff has heard from around the state, Algebra II is currently taken in the junior year because of CATS and students are not taking any math in grade 12.

Ms. Combs went on to ask about the students who don't want a higher course than Algebra II.

Hilma Prather replied that in the Southern Regional Education Board report that was sent to Board members, it referenced a new course developed in North Carolina called advanced functions and modeling. She stated that she hoped Kentucky will pursue a similar approach.

Dorie Combs continued that in making Algebra II a requirement, some are complaining this will cut out the career and technical program. She emphasized that this is not the Board's intent.

Division Director Rodney Kelly clarified that staff is working now on a pilot program for construction geometry, which is one example of an applied mathematics course where the mathematics teacher does the geometry and the technical teacher does the construction application. He noted that this meets the highly qualified teacher requirement.

At this point, Jeff Mando indicated that he supported math every year and the inclusion of Algebra II but asked if students taking the substitute course would still take the end-of-course test for Algebra II.

Deputy Commissioner Linda France responded affirmatively.

David Webb expressed his concern that this would not work with two different courses.

Deputy Commissioner France emphasized the courses would be based on the same standards.

Commissioner Wilhoit then weighed into the discussion to comment on the power of setting graduation requirements. He noted that setting them alone would not make substantial change and is only one small component of change in high schools. Wilhoit said this is the first phase of setting expectations and also of setting an option to offer ways to meet learning needs. He said that professional development and leadership are

also critical as well as the quality and consistency of instruction/content of the courses. Wilhoit noted this to be a new conversation in this state and said it must be addressed to assure quality.

Commissioner Wilhoit went on to say that the comment about the possible negative impact of the requirements on technical/vocational courses was confusing and he said he had not thought of this angle. He noted that the math conversation affects only about 20 percent of the student population who don't currently take Algebra II; thus, it may be that some schools are not teaching a rigorous Algebra II course.

Bonnie Freeman raised the issue of why a change in the timeline was made and wondered how the description for the substitute course would be written so that schools would get guidance on this.

Starr Lewis replied that schools would get detail on the description of the substitute course in the Program of Studies. Regarding the changing of the timeline, Linda France stated that counselors and superintendents raised the issue that this year's eighth grade students have already been communicated with on the current requirements. She said that the thinking would be to give incoming sixth graders through their middle school experience time to prepare for the new requirements.

Ms. Freeman went on to say that in light of the student comments on the video at the student summits relative to the Individual Graduation Plan there need to be ways to help counselors apply this process.

Deputy Commissioner France replied that schools need to move away from a one counselor per 500 students model to an advisor/advisee system.

Moving on to the language arts section of the regulation, Dorie Combs commented that it is changing from a defined sequence of English I, II, III, IV to an approach more like mathematics.

Associate Commissioner Lewis responded that staff is trying to open up options for students that may be more appropriate to their career paths. She assured the Board that in the Program of Studies, staff would define the skills to be acquired in each course. Lewis commented that if Board members think it would be clearer to go back to course titles with language like mathematics for an option, this could be considered.

Janna Vice then stated that she does not see English the same as mathematics, social studies or science. She said that reading, writing, spelling and listening are not content areas and felt that this took away all structure, going to far.

Deputy Commissioner France responded that more specificity is provided in the Program of Studies and core content.

At this point, Deputy Commissioner France moved back to mathematics and explained that staff is not recommending an opt-out provision because it would put the state back to where we are now with not enough rigor in the mathematics program.

David Tachau asked for the rationale of this recommendation when other states do offer an opt-out option.

France responded that for special needs students, the IEP provides options for them. Linda Pittenger added that in Indiana, Arkansas and Texas, new high school graduation requirements were recently passed and in those states 12 to 15 percent opt-out mostly in the freshman year before they ever attempt the course content.

Mr. Tachau went on to ask if staff was sure that it was a bad idea for 12 to 15 percent to opt-out as freshmen.

Associate Commissioner Starr Lewis replied that staff is looking at not lowering content standards and giving options to get students where they need to be rather than saying students have to learn different levels of materials. Deputy Commissioner France added that it is a matter of setting expectations.

Mr. Tachau went on to say that he appreciates the fact that an opt-out clause could be abused, but emphasized he did not think the Board has adequate analysis of whether the opt-out decisions in other states were sound decisions. He said that he was not sure he was ready to shut the door on having an opt-out clause.

Dorie Combs interjected that she could turn Mr. Tachau's question around and say why else would a student opt-out except for special needs. She said that she could not come up with good answers.

David Webb emphasized that he thought the Board would be too restrictive by requiring Algebra II.

Dorie Combs continued that if an opt-out opportunity is offered this is going to encourage schools to segregate students.

The whole idea of opt-out, Hilma Prather added, is making this decision before students ever try the course content. She thought perhaps that middle ground might be that the opt-out would occur only after the student had attempted the course content and encountered difficulty in being successful.

The discussion then moved on to the topic of world languages. Associate Commissioner Starr Lewis indicated that there had been much discussion about requiring competency in world language for students. She explained that staff agreed that this should be a goal by 2016 where all students in Kentucky would demonstrate competency in world language at the basic user level. Lewis emphasized that staff would have to look at how they can support schools in teaching languages at a younger age and that coordination would need to occur with the Education Professional Standards Board on teacher recruitment and

certification. Lewis clarified that staff's recommendation is now to move toward this goal.

David Tachau emphasized that he certainly wanted world languages as an elective offering for students but not as a requirement for all. He said that he did not see a justification/rationale for why it is important for every student. He felt that if this is required for all students, it is pushing out other things that could be available and more relevant to them.

Dorie Combs then asked if Jackie VanHouten could come forward to address the research on the benefits on taking world languages. Ms. VanHouten indicated that there are studies showing those taking languages score higher on tests. Also, she said that there are brain development studies related to taking world languages. Additionally, she said articles indicate Kentucky is suffering economically because they don't have speakers of the other languages.

Hilma Prather then offered her thanks to Frances Steenburgen for sending the Kentucky Education Association's thoughts to the Board on the proposed requirement. Prather said she did not see enough in the Department's plan to ratchet up the efforts on world languages at the elementary level. She also questioned whether universities would accept the Department's definition for basic user competency level.

Janna Vice indicated that she agreed with David Tachau's thoughts and that the Board needed to look at its goal. She thought the issue was broader than just language and was actually world culture.

Commissioner Wilhoit commented that the intent of the proposal is to walk the line between that of world citizenship and that of not adding another high school requirement. He said he agreed that the language discussion is really global competency but assured the Board it is not an attempt to layer on another set of requirements.

David Tachau noted that he felt this would be layering on a lot of work for staff and taking time that could be spent on other things.

Commissioner Wilhoit then responded that he does not want to sit still and not do anything or Kentucky will be at the same place relative to world languages five years down the road.

Janice Allen spoke and said that Kentucky has one of the fastest growing Latino populations and she emphasized that she supports all of the recommendations. Allen stated that it is evident the Board needs to act on what has been put before it because it is supported by the Business Forum, Friedman's quote "The world is flat", the Prichard Committee work and the Kentucky School Board Association's work on high school with the three Rs. Allen felt that the Board needs to be aggressive in its work because there are those in the field and in other states already doing what the Board is just now discussing.

Commissioner Wilhoit clarified that the Department's intent is by 2016, Kentucky will assure that all students have the opportunity to demonstrate basic competency in world languages. He stated this starts the state on a path to address this issue.

David Tachau responded that he could agree with that proposal.

At this point, Janna Vice said that she knew the intent today was for the Board to vote and give final approval to this regulation but she emphasized that she was not comfortable with doing that. She said that at a meeting she attended, she asked if these changes would make the senior year more meaningful and the response from the participants was no. Vice commented that if she had to vote today, her vote would be no.

Due to the significant amount of issues remaining to resolve within this regulation, David Webb moved to table the regulation until the February meeting for a vote and Janna Vice seconded the motion.

Bonnie Lash Freeman suggested that since the Board already has a January meeting set aside, this would give members more time to hash out the remaining issues. David Tachau said that would be his preference for moving forward.

The question was called and the motion carried.

Chair Travis asked members to formulate their questions regarding the minimum requirements for graduation and send them to staff before the next meeting so that the responses could be included in the January presentation.

704 KAR 3:340, COMMONWEALTH DIPLOMA PROGRAM

Division Director Michael Miller presented data to the Board showing that 96 school districts participated last year in the Commonwealth Diploma Program. Additionally, he said 130 schools participated consisting of 1,254 students. Miller also presented the Board with a map showing the location of those districts where participation took place. As a follow-up, Board members asked Miller to send the data packet he put together on this topic to them in a mailing.

Miller continued that the changes to the Commonwealth Diploma Program were aligned with the new minimum high school graduation requirements proposal. He explained that the courses must be the curriculum of the College Board or the International Baccalaureate. Miller noted that the changes would raise the grade requirement of the courses to a B or better and require a 3 or better on one of the exams. He shared that Kentucky districts participating in the program last year had a pass rate of 24.5 percent on the AP exams compared to a statewide average of 46 percent and a national average of 57 percent.

Hilma Prather stated that the whole concept of not many districts participating in the Commonwealth Diploma was very bothersome. She said that perhaps dual credit is

affecting the participation. At some point in the future, she asked for a policy discussion on dual credit courses since they may not be as rigorous as AP courses.

At this point Dorie Combs expressed that it concerned her that the AP test is a one-shot deal and costs students money. She said that the quality of AP courses is also very different. Combs was concerned about putting in a test requirement and thought that staff should look at whether the teachers for AP/IB programs have the proper training.

Jeff Mando then asked why the School Curriculum, Assessment and Accountability Council (SCAAC) deleted the requirement for a certain grade in the courses. Dr. H.M. Snodgrass, Vice Chair of the SCAAC, replied that the group had a question of whether the content of one AP class was the same as another. He went on to express that SCAAC had concerns because it is a matter of priorities emphasized by a district on the importance of the Commonwealth Diploma and setting standards will restrict the number of students that want to pursue the diploma. He said that if the Board wants to up the rigor of the curriculum in high school, it does not want to eliminate 80% of the students before it starts. Snodgrass clarified that SCAAC did not come down with an overall recommendation on the regulation. He also clarified that Linda Sheffield insisted that all students have available the opportunity to pursue the Commonwealth Diploma, but Snodgrass said that he put in the phrase about requiring adequate funding.

Michael Miller then moved on to the changes in the regulation that he said included requiring a score of 26 on the ACT, 1200 on the SAT or 3 proficiencies on CATS out of 4 areas. He clarified that it is not all of these but one of these.

Janna Vice was concerned that using the CATS option would allow someone scoring 18 on ACT to perhaps get a Commonwealth Diploma.

Miller then proceeded to highlight the changes and said that the feedback staff has received is to align the date for effectiveness of the new Commonwealth Diploma requirements with the minimum high school graduation requirements date of 2014.

David Rhodes said that he had concerns on the ACT score of 26 being too high. He also suggested that for the CATS test perhaps 2 of 4 areas was a better choice.

Jeff Mando emphasized he liked tying CATS into the Commonwealth Diploma and expressed concern that because the minimum high school graduation requirements regulation is not moving forward it impacts this regulation. At this point, Jeff Mando moved to table the regulation until action on the minimum high school graduation requirements regulation occurred. David Rhodes seconded the motion and it carried.

Before leaving this topic, Hilma Prather emphasized that she was very concerned about the 26 score required on the ACT.

702 KAR 7:125, PUPIL ATTENDANCE

Deputy Commissioner Linda France reported that the language the Board saw at the last meeting relative to funding for performance-based credit opportunities is still in tact, but noted that staff had looked at the regulation again to deal with an issue the Board encountered several meetings ago about students who are not yet six by October 1 where the appropriate placement would be the second year of primary. She explained that language had been added to the regulation to put a process in place for helping districts handle this situation.

Jeff Mando stated that he thought the new language on page 9 of the regulation that was an outgrowth of the waiver request from Kenton County was prohibited by statute.

Deputy Commissioner Kevin Noland said that the language appearing in the regulation can be read as being consistent with other laws.

Mando continued by asking if staff has any idea of the financial ramifications of this new procedure.

Associate Commissioner Kyna Koch replied that this year, there were less than 100 students statewide who fit this situation. Kevin Noland added that the Department's approval stipulation was included in the regulation to prevent the floodgates from opening.

Hilma Prather then asked for staff to consider the following changes to the regulation as changes are considered to bring back to the February meeting:

- On page 78, line 14, add a proxy to those allowed to check out students.
- Page 79, lines 4 and 5, check to see if the amount of instruction provided to home/hospital students can be increased.
- Page 84, lines 9 and 10, look at adding some relief for districts relative to epidemic/flu days.

Chair Travis reminded Board members that this regulation would come back to them in February for final approval.

INTERVENTIONS FOR SCHOOLS AND DISTRICTS AT RISK

Commissioner Wilhoit began by saying that the major change in the language since the Board reviewed the approach last is that preventive measures have been inserted and that local ownership is desired. The Commissioner noted that other education partners have stepped up to play a role in this process as reflected in the new language. He clarified that this process is not a mandate but instead is a phased-in intervention strategy using a team. Wilhoit said the attempt is to avoid using state management and instead get the district on board as a partner.

David Tachau asked if the Commissioner felt Level 3 schools will agree to embrace this process.

Commissioner Wilhoit said he was optimistic because we have never had ultimate sanctions on the horizon as we do now.

Next, Bonnie Lash Freeman asked how the district would be helped to build its own capacity.

Deputy Commissioner Linda France replied that there will be a highly skilled educator in the district as well as a mentor for the superintendent with all work focused toward capacity building.

Associate Commissioner Johnnie Grissom added one thing that will be done is to team schools up with successful schools similar to their configuration.

Dorie Combs then wanted assurance that the provisions for professional development would be embedded and ongoing.

Linda France assured her this would be the case.

Combs then asked if in June, staff could bring a discussion of the certified personnel evaluation plan activities/regulation process to the Board.

REVISED DISTRICT AUDIT PROCESS

Coming forward for this topic were Barb Kennedy, Steve Schenck and Linda France.

David Tachau stated that he appreciated the significant readability enhancements to the document, but said he was still concerned about the material not being easily digestible for parents, school board members and the media. He felt that the document was a couple of levels of sophistication too high. For example, Tachau said that the audience needs to know why this is critical and he also suggested next steps could be followed by how the improvements would be measured.

Keith Travis asked if it was possible to identify who is responsible with a timeline for the task.

Barb Kennedy replied that the district tracking grid within the document does this. Linda France suggested that perhaps the grid could be moved to the front of the document.

At this point, Bonnie Lash Freeman requested that the Board get follow-up from the Jefferson County audit and the Commissioner assured her this would be mailed to the Board.

Keith Travis went on to say that he thought a district should place this report on its website.

Steve Schenck indicated that he would discuss this with Jefferson County officials.

Dorie Combs pointed out that the color-coding needed to be broken up into levels that are more understandable and a legend needs to go on each page.

Janna Vice interjected that she was struggling with the bar charts and thought staff should consider pie charts instead.

David Tachau commented that before the Board sees the next version, staff needs to check with other education partners to get their feedback on the document.

ANNOUNCEMENTS

Chair Keith Travis made the following announcements prior to moving to the Management Committee meeting:

- The Management Committee will meet from 3:15 to 5:30 p.m. in the State Board Room. If the room fills to capacity, persons can view the committee meeting via webcast in the First Floor Conference Room.
- The Board will hold its annual Holiday Dinner at Berry Hill Mansion starting at 6:30 p.m. No business will be conducted at the event.
- The Curriculum, Instruction and Assessment Committee will meet tomorrow morning from 9:00 a.m. to 9:45 a.m. in the State Board Room.
- The full Board will convene tomorrow at 9:45 a.m. in the State Board Room.

MANAGEMENT COMMITTEE MEETING

Action/Consent Items

1. **2005-2006 Local District Tax Rates Levied.** Associate Commissioner Kyna Koch reported that the submitted list covers all but four districts. At this point Jeff Mando moved approval of all submitted tax rates levied and Janice Allen seconded the motion. The motion carried.
2. **District Facility Plans: Clinton and Montgomery Counties and Jenkins Independent.** Division Director Mark Ryles explained that the facility planning process requires each district to complete a local district facility plan every four years with the leaway to amend the plan within the cycle if there is cause. He clarified that the local planning committee is diverse in nature, that the facility plan is approved by the local board and then it comes to the Kentucky Board of Education. Ryles explained that the approval of the plan triggers the release of capital funds to districts.

At this point, Jeff Mando moved approval of all submitted district facility plans and David Tachau seconded the motion. The motion carried.

3. **District Facility Plan Amendments: Campbell, Gallatin and Green Counties.** Jeff Mando pointed out that on the Campbell County plan on page 147 of the Agenda Book, the cost of the new elementary school is quoted to be \$8,940,000, yet he said that on page 157 in the material on the site approval, the cost is quoted as \$18,000,997.

Mark Ryles replied that the first figure on page 147 does not include the site acquisition and development costs.

At this point, Jeff Mando moved approval of all facility plan amendments and Janice Allen seconded the motion. The motion carried.

4. **Site Approval for the Proposed North Elementary School in Campbell County.** Director Mark Ryles explained that when a site acquisition exceeds 10% of the purchase cost, it must come to the Kentucky Board of Education. He noted that the primary reason for the higher cost is the location of the property because it is located near a new Home Depot.

David Webb then asked if there was any review of competing sites that were less costly.

Ryles responded that a review of other sites did occur and noted that staff has prepared a written report for the committee on the different sites. He summarized that the report concludes that the recommended site is the best one for the location of the new school.

Jeff Mando expressed concern as to whether the local board could afford the school after this site purchase due to the fact that the tax levy put before the citizens in Campbell County failed.

David Tachau asked if staff went over these issues with the local district.

Mark Ryles replied affirmatively.

David Webb then asked exactly what the committee and Board would be approving with its action.

Mr. Ryles replied that the approval allows the district to go ahead with closing the land purchase.

Jeff Mando stated that then the local board must decide if it can proceed with the local project and Mark Ryles replied affirmatively.

At this point, Jeff Mando moved approval of the site approval of the proposed North Elementary School in Campbell County and David Tachau seconded the motion. The motion carried.

5. **School Facilities Construction – Facilities Unmet Needs Report.** Associate Commissioner Kyna Koch said that staff determined this week that some figures were omitted from this report and said that it needs to be pulled and brought back in February or tomorrow if the report can be revised in time.
6. **2005-2006 Local District Working Budgets.** Associate Commissioner Kyna Koch asked that this item be delayed until the next day.
7. **John T. Arnett Elementary (Magoffin County) Request for SBDM Exemption.** Linda France clarified that this is a very small school with only 70 students and is a small faculty. She noted that it will be consolidated in two years and that the problem is finding members to run for the council.

David Rhodes moved approval of the request for SBDM exemption and Jeff Mando seconded the motion. The motion carried.

Review Items

1. **Differentiated Compensation Pilot Final Report.** Deputy Commissioner France reported that the report is fairly positive and said that a deficiency is perhaps that it is based on two years of data. She noted there is difficulty in making trends/conclusions on this data.

David Tachau commented that he found the report almost unreadable and did not see that the Department got its money's worth of conclusions. He expressed that he was very frustrated and suggested that the Department express to the folks preparing the report that it is not user-friendly.

Associate Commissioner Kyna Koch responded that in hindsight, the Department would have written the Request for Proposal differently because the projects ended up being very unsimilar and not suitable for comparison purposes.

Jeff Mando felt that the Board needed an executive summary of the executive summary due to its length. He asked if staff could extrapolate some useful findings from the report and send these to the Board.

Commissioner Wilhoit stated that the study did lead to finding out that projects that were attempted where people were put in teacher leader roles were highly successful and a negative effect of choosing the teacher for roles was not seen in any of the projects.

David Tachau suggested that it might be useful to look at the Denver data relative to differentiated compensation.

2. **702 KAR 7:065, Designation of Agent to Manage High School**

Interscholastic Athletics. Present from the Kentucky High School Athletics Association (KHSAA) were Commissioner Brigid DeVries, Julian Tackett and Larry Boucher. Commissioner DeVries said she would take questions on the proposals that were recommended by the Board of Control.

Committee Chair David Webb went through each of the proposals and no questions existed until the discussion reached the point on Proposal 3. Commissioner DeVries was asked to explain this issue.

DeVries clarified that this proposal put a restriction on out-of-state residence participation in athletics. She said that it was considered at the annual meeting one day with the Board of Control considering it the next. She went on to say that it was initially tabled in order to look at legal ramifications, but indicated that at the next meeting of the Board of Control, the recommendation for adoption with changes occurred. She went on to clarify that it is a complete nonparticipation rule rather than one preventing participation for one or two years. DeVries also clarified that most of the discussion centered around Proposal 20, but said some of the Proposal 3 issues also related.

Jeff Mando said he understood the rationale for the proposals but said he felt that the net may have been cast too wide. Mando suggested that compromise was needed on both Proposal 20 and Proposal 3.

DeVries said this was not just a non-public issue because some public schools have reciprocal agreements. Again, she clarified that the premise is if a student lives in Kentucky and goes to school in Kentucky, the student can play.

David Rhodes indicated that he would like to see Proposal 3 reconsidered and sent back to the Board of Control along with Proposal 20.

David Tachau then inquired as to why the Board of Control felt more comfortable with moving Proposal 3 forward rather than Proposal 20.

Commissioner DeVries responded that the Board of Control was more comfortable with the concept of living in Kentucky and being able to participate if one goes to school in Kentucky. She went on to say that the Board of Control felt the sixth grade year concept was a compromise.

Moving on specifically to Proposal 20, Commissioner DeVries said that some of the issues around public/nonpublic play are not new. She indicated that she had formed a current issues committee to study the rules of the Association

and fix anything that needed to be revised. She said that three issues surfaced before the committee including establishing a territory, feeder pattern or boundary for all schools, clamping down on financial aid and looking at the recruiting of students below grade nine. DeVries said that three proposals emerged to deal with these issues along with Proposal 20 being submitted. She explained that several meetings were held to see if compromise language could be crafted and reported that this was not successful. DeVries said that consideration of Proposal 20 came first thus diverting attention from the others. She reported that the group got back together again and still couldn't reach a compromise.

Jeff Mando said that he applauded the efforts to seek compromise. He clarified that he looked to the Association as leaders to compel its members to participate in efforts to resolve issues. Mando suggested the use of a professional mediator if necessary to resolve the public/private issues by the membership rather than by the Kentucky Board of Education.

David Webb advised that KHSAA staff needed to do whatever is necessary to get the involved parties talking again. Webb said that a draft letter on the Board's position relative to Proposal 20 and Proposal 3 were at each of the committee member's place for review. He clarified that Kevin Noland had revised the draft letter to include Proposal 3. Also, he said additional language was proposed about going to mediation if a compromise cannot be reached.

At this point, Jeff Mando moved that the committee recommend to the full Board that the letter reviewed by the committee be signed by Chair Travis stating that KHSAA is to seek compromise on Proposals 3 and 20 and use mediation if compromise is not successful. Janice Allen seconded the motion and it carried.

3. **Annual Reporting Requirements of 702 KAR 7:065 from the Kentucky High School Athletic Association.** Julian Tackett indicated that the Association had a good year and said they completed the audit in July/August. Tackett pointed out that the increase in the fees for student insurance had occurred and assured the Kentucky Board of Education that the Board of Control has encouraged staff to look at what other states are doing to reduce costs. He noted that KHSAA also looked at the legal fees for outside counsel and whether these could be reduced.
4. **KHSAA Title IX Update and Report on the Current Status of Primetime Playing Opportunities for Girls' Basketball and Brief Update on Phase 2 of the 2005-2006 KHSAA Audit.** Larry Boucher noted that the Board's visible interest in the activities of the Association are very helpful.

David Tachau then inquired about the forty having problems with the primetime issue.

Mr. Boucher responded that the forty is down from 83 last year. He said that the Association is sending letters to make it clear to districts that they must fix the situation.

David Tachau said that the Kentucky Board of Education has a technique to invite those schools before it to emphasize making things a priority. Jeff Mando agreed with Tachau.

Larry Boucher noted that when KHSAA wrote a letter and said it would cancel the boy's game in February unless the problem was fixed, 37 schools complied.

Thursday, December 8, 2005

CURRICULUM, INSTRUCTION AND ASSESSMENT COMMITTEE

Action/Discussion Items

1. **704 KAR 3:480, Reading diagnostic and intervention grants.** Division Director Michael Miller indicated that the committee saw this regulation last time and now has the opportunity to take final action. Miller said there were no significant changes in the regulation other than the recommended deletion found on the first page of the staff note where it recommends deleting the sentence from Section 1 at the request of the steering committee. Miller went on to say that the sentence had read "A school that has been awarded funds from other grant sources to implement a reading diagnostic and intervention program shall not be eligible for a reading diagnostic and intervention grant." He explained that the steering committee found the inclusion of this language to be redundant and unnecessary as schools currently funded through programs such as the federal Reading First are already not permitted to adopt intervention programs other than what they have in place under Reading First guidance.

At this point, Hilma Prather moved final approval of 704 KAR 3:480 and Janna Vice seconded the motion. The motion carried.

Review Items

1. **Recommended actions needed to improve conditions in and performance of A5 and A6 programs.** Coming forward for this item were Associate Commissioner Starr Lewis, Branch Manager Nijel Clayton and Division Director Linda Pittenger. Lewis indicated there was lots of discussion on this topic in the conference call with the committee chair and vice chair and thus, she asked Nijel Clayton to give some background information on the A5 and A6 programs.

Ms. Clayton indicated that we have always had alternative programs in Kentucky. She went on to say that the staff note provides information on the growth of alternative education programs in the state. Clayton then shared that in 2000, the Center for School Safety's receipt of new funding spurred the growth of alternative programs. She explained that 80% of these funds were used by school districts to establish alternative education programs. Clayton reminded the Board that in February 2004, the Kentucky Board of Education expressed interest in looking at these programs to make sure students are getting an equitable education. She said that staff has been working with the schools from that time forward.

Ms. Clayton then indicated that the first issue dealt with relative to A5 and A6 schools was student accountability, which was resolved by the Department's Assessment and Accountability staff. Now, she said, staff is looking at the monitoring of these programs. Clayton clarified that the Center for School Safety supports 136 alternative education programs and noted that some local school districts also have alternative education programs. She then explained that the other 40 school districts referred to in the staff note will be a random sample of programs. Clayton also noted that it was an error that the Kentucky Valley Education Cooperative was listed as a participating member of the group and said they were invited but was unable to attend.

Hilma Prather commented that she thought the proposal was a good start and said she liked the standards. Prather wanted to know what would happen with the preliminary findings that will come out in June.

Nijel Clayton said the findings will come back to the Board and said they will give members a snapshot of these programs as well as information on what is happening in alternative education in Kentucky.

Hilma Prather suggested that the Board also needs an outside look at the programs in addition to the Center for School Safety. Nijel Clayton asked if this is an outside entity or Kentucky Department of Education staff. Ms. Prather clarified that credibility-wise it would be someone else. Ms. Clayton replied that this could be done.

Ms. Prather then asked how time intensive this process would be and Ms. Clayton replied that it would be very intensive but commented her staff would hit the ground running.

Dorie Combs shared that she has great respect for Jon Akers from the Center for School Safety. She then asked for clarification on the difference between the programs that the Center for School Safety would examine and those that the Kentucky Educational Collaborative for State Agency Children (KECSAC) would be addressing.

Nijel Clayton responded that KECSAC is being asked to use the same monitoring tool as the Center for School Safety to provide consistency.

Dorie Combs asked if the new monitoring tool was better than the one that KECSAC has developed.

Ms. Clayton responded that KECSAC has been involved in the development of the new tool and that some of their tool has been blended into the new one.

Bonnie Lash Freeman then asked Dr. Norman Powell of KECSAC if the new instrument will do what KECSAC needs for it to do with its programs.

Dr. Powell replied that the instrument KECSAC developed, implemented and piloted is a good one but said his staff has been involved with development of this new one.

Bonnie Lash Freeman asked Ms. Clayton if she felt the new instrument is what we need to monitor these programs and Ms. Clayton responded that she had to rely on the committee to develop the best instrument for the day they had together.

Dorie Combs asked if A5 and A6 programs are different.

Nijel Clayton responded that the educational requirements are the same, but explained that for A5 programs, the district decides which students enter them and in A6 programs, the court system places the students in the KECSAC programs. Clayton indicated that generally the students in A6 schools have more severe personal issues. She went on to say that most A6 programs have a treatment component and that sometimes the decision has to be made whether treatment is a priority versus the education program.

Dorie Combs stated that she felt people support what they help create and emphasized that because KECSAC has worked over the last several years on its own instrument, they be allowed to continue its use. She thought there needed to be some flexibility on this issue so that we can get to the bottom line using both instruments.

Linda Pittenger indicated that after the first round of monitoring, an external review may be needed to give staff more guidance and information. She said that she would like to see the core of the monitoring tool at all the programs the same so as to see that these students get the services needed. Pittenger reported that two meetings of the work group occurred and said there is a real spirit of cooperation.

Bonnie Lash Freeman stated that KECSAC worked hard to develop its tool and that they need more time to fine-tune it. She felt that a comparison of the two tools used could occur.

Janna Vice asked if it was correct that it will take four years to get through a monitoring cycle and Nijel Clayton replied affirmatively.

Linda Pittenger went on to say that when staff brings back the findings from the first 40 visits, the Board may find out that the process needs to be adjusted.

Bonnie Lash Freeman reported that she visited one of the KECSAC programs and noted that one issue that came up was transitioning between programs. She asked if the student identifier would help the Board be able to track transitions.

Linda Pittenger replied affirmatively and said that the use of the student identifier would give a better picture of where students are located. She also emphasized that it is important to note that not all A5 and A6 programs are deficient practice situations. She indicated that there are excellent A5 and A6 programs and stated that this process will help staff identify and share these.

Hilma Prather then asked if staff would bring preliminary findings of this first round of monitoring to the Board in June along with recommendations.

Nijel Clayton responded that staff will be glad to bring the preliminary findings but said she was not sure at that point if they would be ready to give recommendations.

Dorie Combs then noted that as the Board talks about high school reform, it needs to look at the developmental well being of all students, she emphasized that in the process of having advisors for each student, this is especially needed for these students.

KENTUCKY'S WRITING PROGRAM: SYSTEMATIC APPROACH TO INSTRUCTIONAL ETHICS

Coming forward for this presentation were Linda France, Starr Lewis, Nancy LaCount, Cherry Boyles and Michael Miller. Ms. France began by saying that as we continue to work toward improving writing instruction and the assessment of writing specifically, staff will be working with three regulations. First she noted that 703 KAR 5:010 defines the time limits around writing portfolios and indicated that it would come to the Board for its first reading in February. The second regulation, France stated, was 704 KAR 3:303, Program of Studies for Kentucky Schools, which she said also addresses instruction on writing and would be coming to the Board for the first reading in February as well. The third regulation cited by Deputy Commissioner France was 703 KAR 5:080, Administration Code for the Writing Assessment Program, which she said was the basis for the Administration Guidelines as well as the Code of Ethics for writing. Ms. France continued that in October, the Board requested revisions to the Administration Guidelines and she indicated that she would turn the presentation over to Cherry Boyles and Starr Lewis, who have been working on the changes.

Associate Commissioner Starr Lewis commented that the Board was sent the colored version of the Administration Guidelines and she publicly thanked the Office of Communications for its help on the format improvements and language clarifications. Lewis went on to say that she knew the Board had questions on the reduction of time spent on portfolios and she noted that one more edit had been made to the Administration Guidelines saying the goal is to reduce the time spent on portfolios. Lewis shared that staff has been doing training across the state and that a video has been produced. She explained that the video does address the time issue and then asked if the Board would take time to view two excerpts on time. She added that Associate Commissioner Pam Rogers also did an overview of the allegation process on the video. At this point the video excerpts were shown.

Following the viewing of the video excerpts, Associate Commissioner Lewis commented that she showed the Board members the portion on marking up papers because the student needs specific feedback in order to improve the paper. She went on to say that if the teacher gives the paper back just saying that its not good enough, this is not helpful or sufficient. Lewis then asked Cherry Boyles to talk about the Administration Guidelines specifically and added that she is anxious to get these to teachers because some district assessment coordinators won't give them out until the word "Draft" comes off.

Cherry Boyles shared that the training on the Administration Guidelines was attended by district assessment coordinators, assistant superintendents, writing resource teachers and some classroom teachers. She explained that there were five sessions across the state with the provision for one makeup session. Boyles said that only 30 districts did not participate. She commented that the training gave staff the opportunity to go over the Administration Guidelines, discuss the format, discuss the regulations supporting the document and to look at additional review tools such as the principal checklist. She reported that it was a good opportunity to reintroduce people to existing tools and for

sharing by the different districts of their approach to teaching writing. Boyles noted that the participants were encouraged to comment on the specific language used in the document since it is still draft. She also noted that they were told that the document would exist in poster version and she said the participants felt that both the document and poster version were needed. Boyles indicated that the participants gave some good suggestions for clarifying the language of the Administration Guidelines and asked to have “Draft” removed from them. She stated that staff will post the Administration Guidelines on the web once the Board agrees that they are ready.

Hilma Prather emphasized that she thought the time issue needs to be more explicit within the Administration Guidelines. She also thought a question and answer document would be helpful to directly address the time issue and others. Prather indicated that it could be an accompanying piece to the guidelines.

David Tachau thought that perhaps larger type would be needed and then echoed Hilma Prather’s comments relative to the time issue and the question and answer document. He also thought that when the parent booklet is revised, including a question and answer document would be a helpful tool.

Bonnie Lash Freeman added that when the parent booklet is revised, staff needs to do a readability on it and make sure that it can be understood by parents of various educational backgrounds.

David Tachau continued that the parent booklet should also be done in Spanish.

At this point, Janna Vice cited that on page 252 of the Agenda Book, the guidelines talk about transactive writing with all references being to journalistic type entries. She thought that perhaps some real-world examples should be added.

Starr Lewis then asked if staff goes back and strengthens the time piece would the word “Draft” be able to be removed.

It was the consensus of the Board that if this occurs, the word “Draft” could come off.

Commissioner Wilhoit then pointed out that in his view several things had to occur before “Draft” could come off including clarification of the time issue, the addition of a question and answer document, examples of real-life writing throughout the document and the describing of inappropriate scenarios.

HEARING OFFICER’S REPORT

Deputy Commissioner Kevin Noland indicated that he needed to bring one item before the Board during the hearing officer’s report and stated that he was bringing back for the fourth time the nutrition regulation to consider changes. He first provided some background for the issue and said that Senate Bill 172 was passed by the 2006 General Assembly and directed the Kentucky Board of Education to establish nutritional standards for beverages and foods in schools. Noland noted that the Board reviewed the

regulation in June, gave final approval to it in August, the public hearing was held in late September, and in October the Board reviewed the comments from the public hearing ultimately sending the regulation over to the Legislative Research Commission for their process. Three weeks ago, Noland said, the regulation came before the LRC Administrative Regulation Subcommittee for review. He reported that it came down to one final issue with this committee of whether to increase the beverage volume in middle and high schools from 17 ounces to 20 ounces. He noted that there was a lengthy discussion by the committee that resulted in a six to two vote to defer the regulation in order to allow the Kentucky Board of Education the opportunity to revisit the issue before the December 13 meeting of the committee. Noland continued that the process is that he will take the Board's decision back to the committee on December 13 and then it will vote whether to attach a letter of deficiency or let it go on through the process. Regardless, he said, the regulation would go to either the Education Committee or the Health and Welfare Committee in early January for review and at the conclusion of that meeting, it would go into effect. He explained that the regulation will stay in effect unless the legislature passes a bill saying that any regulation found deficient will be null and void. Noland said that the legislature passed such a bill during the last session.

Noland continued that he was aware Board members had received some information on this issue. Relative to different constituency groups, he reported the Kentucky Beverage Association has stated they have three products meeting the 17-ounce standard with several more meeting the 20-ounce level. Noland shared that the Beverage Association is saying it would cost \$789,000 to adjust their machines to accommodate the 17-ounce size. He moved on to Tonya Chang from the Heart Association and Carolyn Dennis from the State PTA, whom he indicated do not like changing the beverage size but valued the other changes made in the regulation and do not want to throw out those provisions just to stop the change in the beverage size. Noland said that the School Nutrition Association opposes the change to the 20-ounce size. In summary, Deputy Commissioner Noland said the issue comes back to what is best for students and if that is the case the 17-ounce size would be the way to go. However, he noted, given the other components in the regulation, the KDE has established good standards that need to be in place but are at risk in the political process. He said that he has brought the issue back to the Board at the legislative committee's request and clarified the committee is asking the Board to make the volume size for students in middle school and high schools not to exceed 20-ounces.

Jeff Mando stated that he does not put a lot of credibility in the Beverage Association's statement that they cannot accommodate the 17-ounce requirement because he thinks they are putting profit above the health of students. He emphasized that the Beverage Association was part of the discussion in the original process of reaching consensus on the regulation and he stated he felt like they reneged on their agreement once the regulation went to the legislative committee. Mando continued that he is also concerned about the role of the Administrative Regulation Review Subcommittee, which was to determine if the regulation was within the authority of the agency and not to request specific language changes. He indicated that the Board has encountered this problem with the legislative committee before and has previously talked with leadership in the General Assembly about the committee exceeding its authority. However, Mando stated

that he was not prepared to lose the good things in the regulation and would begrudgingly go along with the 20-ounce requirement.

Kevin Noland replied that Mr. Mando's assessment of the legislative committee's authority is correct and said that whatever choice the Board makes on this regulation is within the authority of the Board. However, he indicated that the legislators are free to cast their vote how they wish.

David Webb commented that he agreed with Mr. Mando's comments and direction and suggested that the concern about the role of the committee and the need to talk to legislative leadership be included in the motion on the issue.

Chair Travis then complimented the Courier-Journal on its article related to health in our state and noted that it's really not about 3 ounces in a beverage but instead about cultural change. He noted that Kentucky is number one in obesity and cancer and these are not areas where we want to be at the top. Travis then agreed with David Webb and Jeff Mando's comments but indicated that he was at the point of saying no to the committee's request.

At this point, Deputy Commissioner Noland shared that the legislative sponsor of SB172 has been contacted and he reported that she values so much all of the other components of the regulation that she is in favor of approving the 20-ounce requirement to preserve those other components.

Janna Vice then asked about the likelihood of a letter of deficiency being attached to the regulation.

Mr. Noland responded that the original vote was 6-2 to defer the regulation and he thought the vote would be the same to attach a letter if the Board does not change the beverage size requirement.

At this point, Jeff Mando asked if it would be permissible, if a 20-ounce beverage requirement is passed, for the Board to send a letter to all principals recommending the exercise of control of soft drinks by restricting the volume size in their beverage machines.

Kevin Noland replied affirmatively to this inquiry.

Thus, Jeff Mando begrudgingly moved to amend the regulation to add language to change the volume size not to exceed 20-ounces for middle schools and high schools only, to have the Board meet with House and Senate leadership on the role of the Administrative Regulation Review Subcommittee and if the regulation is passed and goes into law, to send a letter to principals on controlling the beverage sizes in their machines. David Webb seconded the motion.

Chair Travis then called for a roll call vote. The motion passed 7-3 with Dorie Combs, Hilma Prather and Keith Travis voting no.

APPROVAL OF ACTION/CONSENT AGENDA ITEMS

David Webb moved approval of the 2005-2006 Local district tax rates levied, District facility plans for Clinton and Montgomery Counties and Jenkins Independent, District facility plan amendments for Campbell, Gallatin and Green Counties, Site Approval for the proposed North Elementary School in Campbell County and John T. Arnett Elementary (Magoffin County) request for SBDM exemption. The Board concurred with the motion.

Mr. Webb explained that the Schools Facilities Construction – Facility Unmet Needs Report and the 2005-2006 Local District Working Budgets were not discussed by his committee and would have to be approved by the full Board. He then moved their approval and David Tachau seconded the motion. The motion carried.

MANAGEMENT COMMITTEE REPORT ON ACTION/DISCUSSION ITEMS

Chair David Webb reported that relative to 702 KAR 7:065, Designation of Agent to Manage High School Interscholastic Athletics, the committee felt the best solution to the remaining issues on Proposal 3 and Proposal 20 would be to refer it back to KHSAA to find a solution. He noted that a draft letter was before Board members for approval and moved it be sent to KHSAA. David Tachau seconded the motion and it carried.

CURRICULUM, INSTRUCTION AND ASSESSMENT COMMITTEE REPORT ON THE ACTION/DISCUSSION ITEMS

Chair Bonnie Lash Freeman reported that 704 KAR 3:480, Reading diagnostic and intervention grants was discussed in her committee and on their behalf she moved final approval of the regulation. The Board concurred with the recommendation.

INTERNAL BOARD BUSINESS

Chair Keith Travis dealt with the following items:

- Janna Vice moved to approve David Webb's and Bonnie Lash Freeman's participation in NASBE study groups and committees and Janice Allen seconded the motion. The motion carried.
- Chair Travis reminded Board members that the Visual Arts Toolkit was outside of the Planning Room for pickup.
- The January 4, 2006, meeting will take place as scheduled and Board members need to send in additional questions on the minimum high school graduation requirements and Commonwealth Diploma so staff will know ahead of time the questions to address.
- The April meeting of the Board will occur at the KHSAA offices in Lexington.

- It was requested by David Webb that there be more Board meetings outside of Frankfort this year.

LITIGATION REPORT

Deputy Commissioner Kevin Noland indicated a closed session would not be needed because it is a procedural matter. He asked the Board to recall the nonresident student contract appeal for 2004-05 from Jackson Independent and Breathitt County and reminded them that after the Board's decision, it ended up in circuit court where a ruling was made that the statute was vague and the provision was ruled unconstitutional, including the appeal to the commissioner and then the state board. Noland went on to say that the decision is pending in the court of appeals and could ultimately be reversed. In the meantime, he stated, the two local boards have a dispute about the current year nonresident student contract efforts and they appealed it to the commissioner. Noland explained that the commissioner replied via a letter that KDE is a party to the current court case and is bound by the decision that the provision is unconstitutional until there is a stay of that on appeal or a reversal of the decision on appeal. Thus, he indicated KDE cannot entertain the appeal. Subsequently, Noland said, the attorney for Jackson Independent has now appealed it to the KBE. His thoughts were that the district is trying to preserve its right to appeal if the other ruling is reversed. Noland then summarized that he must bring the appeal to the Board but recommended that Chair Travis be authorized to sign a letter to go back to the attorney and district stating the same thing the commissioner said, which is, given the court order, the Board is currently without authority to entertain the appeal.

At this point, Jeff Mando moved approval of the letter described above by Deputy Commissioner Noland and Bonnie Lash Freeman seconded the motion. The motion carried.

ADJOURNMENT

The Board meeting adjourned at 11:05 a.m.